

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their
capacities as Trustees of the CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS PENSION TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS VACATION/HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA, CEMENT MASONS
APPRENTICESHIP AND TRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

AAP CONCRETE, INC.,

Respondent.

No. C 13-2639 MMC

**ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT; VACATING
DECEMBER 19, 2014 HEARING**

Before the Court is plaintiffs' Motion for Default Judgment, filed November 7, 2014. Defendant AAP Concrete, Inc. was served with the motion and has not filed opposition thereto. Having read and considered the papers filed in support of the motion, the Court finds the matter appropriate for decision on the moving papers, VACATES the hearing scheduled for December 19, 2014, and, for the reasons stated by plaintiffs, rules as follows.

1. To the extent the motion seeks an order compelling defendant to submit to an audit of its records for the period January 1, 2011 through the date of the audit and that the

1 Court retain jurisdiction over the matter to enforce such order, the motion is GRANTED.
2 Specifically, defendant is hereby ORDERED to submit to an audit, by auditors selected by
3 plaintiffs, at defendant's premises during business hours, or where the records are kept, at
4 a reasonable time or times, and to allow said auditors to examine and copy such books,
5 records, papers, and reports of AAP Concrete, Inc., that are relevant to the enforcement of
6 the collective bargaining agreement or trust agreements, including but not limited to the
7 following:

8 Individual earning records (compensation); W-2 forms; 1096 and 1099 forms;
9 reporting forms for all plaintiff trust funds; state DE-3 tax reports; workers
10 compensation insurance report; employee time cards; payroll journal; quarterly
11 payroll tax returns (form 941); check register and supporting cash voucher; form
12 1120 - 1040 or partnership tax returns; and general ledger (portion relating to payroll
13 audit).

14 2. To the extent the motion seeks judgment against defendant in the total amount of
15 \$36,196.22, consisting of principal contributions in the amount of \$15,493.77, liquidated
16 damages in the amount of \$1050, interest in the amount of \$10,207.12, attorneys' fees in
17 the amount of \$8532.50,¹ and costs in the amount of \$912.83, the motion is GRANTED.

18 The Clerk is directed to enter judgment in favor of plaintiffs and against defendant, in
19 conformity with the above findings.

20 **IT IS SO ORDERED.**

21 Dated: December 9, 2014

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MAXINE M. CHESNEY
United States District Judge

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26 ¹Plaintiffs' request for an additional \$1375 in attorneys' fees is denied as moot to the
27 extent it corresponds to fees that would have been incurred in connection with an
28 appearance at a hearing on the instant motion, and denied as premature to the extent it
corresponds to fees plaintiffs anticipate incurring after judgment is entered.